

# BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

February 5, 2013

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Randell A. Hanvelt, Chair, Evan Royce, Vice Chair; Sherri Brennan, John L. Gray and Karl Rodefer being present. Also present were County Administrator Craig L. Pedro; Sarah Carrillo, Acting County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

The Chairman read a poem "A Soldier Died Today" and the Board recognized a moment of silence in honor of the recent passing of Major Lucas Gruenther.

Supervisor Rodefer led the Pledge of Allegiance.

Oral Comm-  
Library Trivia Bee

Lyn McCormick addressed the Board and announced the upcoming Trivia Bee.

Oral Comm-  
Home Invest  
Grant

Beverly Shane, Community Resources Agency Director, announced the Tuolumne County was recently awarded the Home Investment Partnership Program Grant in the amount of \$700,000.

Oral Comm-  
Budget Finance

Earl Randall addressed the Board on budget and financial concerns.

Oral Comm  
Hodges Retire

Del Hodges, Treasurer-Tax Collector, announced his upcoming retirement.

The Chair announced that item number 3 has been pulled off the agenda.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Brennan, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meetings held on January 7, and 15, 2013.

HR-Superior  
Court Employer  
Paid Mmbr

2. Resolution No. 11-13, reducing the Employer Paid Members contribution by the Superior Court of Tuolumne County for all current and future employees of the Superior Court.

TC Youth Comm  
Reso Amending

3. Resolution No. 12-13, rescinding Resolution Nos. 24-10 and 8-13, amending the Tuolumne County Youth Commission to include an additional member of the Board of Supervisors.

First 5 Resig/  
NOV

4. Accepting the resignation of Susan Peterson from the First 5 Tuolumne County Commission and directing the Clerk of the Board to post a Notice of Vacancy and send a letter of appreciation.

County Service  
Awards

Ann E. Connolly, Human Services Agency Director, addressed the Board on Rose Waters for 25 years of service to Tuolumne County and presented here with a County Service award for 25 years of service to Tuolumne County.

Ms. Waters thanked the Board.

BRRG-Ad Hoc

The Board considered approving appointments to the Biological Resources Review Guide Ad Hoc Committee.

Ms. Shane presented the staff report.

Discussion ensued.

It was moved by Supervisor Rodefer and seconded by Supervisor Brennan, to appoint all current applicants as members of the Biological Resources Review Guide (BRRG).

The Chair read the applicants as:

Richard "Dick" Pland as a general public representative; Ron Kopf as a representative with business interests; Diane Moore as a Biologist (other than consultant under contract with Tuolumne County); Carey Haughey as a general public representative; Mark Banks as a representative with development interests; Ron Gianelli as a representative with agricultural interests; Tom Parrington as a representative with conservation/environmental interests; Dale Keyser, as a Biologist (other than consultant under contract with Tuolumne County); and Jeff Costello, as a representative with agricultural interests, as well as the two Board members previously appointed.

Motion carried unanimously.

MOU-DSA

Bill Morse, Human Resources/Risk Manager, requested consideration of approving an amendment to the 2011/13 Deputy Sheriffs Association Memorandum of Understanding modifying special assignments.

It was moved by Supervisor Gray, seconded by Supervisor Rodefer, and carried by unanimous vote, to approve the amended to the 2011/13 Deputy Sheriffs Association Memorandum of Understanding modifying special assignments, authorizing the Chair to sign.

HR-Sheriff's  
Office: Sheriff  
Deputy

Mr. Morse requested consideration of eliminating a vacant Detective position and replacing it with a Sheriff Deputy position.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to eliminate a vacant Detective position and replacing it with a Sheriff Deputy position

BOSPC 2013  
Work Program

Beverly Shane, Community Resource Agency Director, requested consideration of approving the Board of Supervisors Planning Committee 2013 Work Program, and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by unanimous vote, to approve the Board of Supervisors Planning Committee 2013 Work Program.

TCOC - § 16  
Re: Payment of  
Tax Assess

Mr. Hodges presented the staff report on amending Tuolumne County Ordinance Code §§ 16.09.020(C)(3)(A), 16.10.012(C)(2)(A), 16.11.012(C)(2)(A), 16.24.130(C) and 16.26.110(C) regarding payment of taxes and assessments for newly created or reconfigured lots.

George Segarini, President/CEO of the Tuolumne County Chamber of Commerce, addressed the Board.

Title having been read and reading waived, it was moved by Supervisor Royce, and seconded by Supervisor Rodefer, and carried by unanimous vote to adopt the following ordinance.

Ordinance No. 3215

Amending Tuolumne County Ordinance Code §§ 16.09.020(C)(3)(A), 16.10.012(C)(2)(A), 16.11.012(C)(2)(A), 16.24.130(C) and 16.26.110(C) regarding payment of taxes and assessments for newly created or reconfigured lots.

Closed Session

The Board recessed at 9:44 a.m., to Closed Session: **1) Conference with Real Property Negotiators - Price and Terms:** (Authority: Government Code § 54956.8) Negotiators: Craig L. Pedro, County Administrator; and Daniel Richardson, Deputy County Administrator for a 420 ± acre piece of property known as Kennedy Meadows, APN 021-020-02; **2) Public Employee Appointment:** (Authority: Government Code § 54957 (B)(1)) - County Counsel; and **3) Closed Session - Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code § 54957.6) - All Bargaining Units, reconvening at 11:00 a.m., the Chair announced there was nothing to report and Closed sessions will continue later in the day.

Comm&Comm  
Task Force Rpt

Ms. Shane requested consideration of directing staff to prepare ordinances or resolutions with an effective date of July 1, 2013 to implement the recommendations of the Commissions & Committees Taskforce regarding the County's Planning Commissions, Design Review Committees, Design Review/Planning Advisory Committees, Agricultural Advisory Committee, Historic Preservation Review Commission, Board of Supervisors Planning Committee, and planning processes and procedures and responded to questions from the Board.

Bob Fultcher, Cris Barsanti addressed the Board.

Ms. Shane responded to questions from the Board.

Bob Steele; Mr. Segarini; and Marilyn Fullam addressed the Board.

Ms. Shane responded to questions from the Board on the process for the Design Review recommendations.

It was moved by Supervisor Royce, seconded by Supervisor Bennan, and carried by unanimous vote, to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: **1) Disband the Muller Subdivision Design Review Committee and the Phoenix Lake Country Club Estates Design Review Committee and eliminate the "D" (Design Control Combing) zoning district from the parcels within the boundaries of those design review areas; 2) Disband the Tuolumne Design Review/Planning Advisory Committee and the Twain Harte Design Review/Planning Advisory Committee and retain the "D" zoning district for portions of those design review areas; 3) Modify the County Ordinance Code to provide for the appointment of Ad Hoc Design Review Committees to update the design guides as needed; and 4) Modify the County Ordinance Code relative to design review regulations as follows: A) Limit the applicability of the design review regulations to projects that are subject to discretionary entitlements, such as a Conditional Use Permit or Site Development Permit; B) Eliminate review of projects by Design Review Committees. The decision making body will determine if a project is consistent with the applicable design guide; C. Modify the boundaries of the existing design review districts to encompass only commercial areas and major transportation corridors. Planning Staff would prepare proposed changes to the boundaries and refer the proposals to the existing Design Review Committees for review and comment.**

Dick Pland and Charlotte Hague addressed the Board.

Ms. Shane responded to questions from the Board.

Phil Reese; Ms. Fullam; Ms. Barsanti; Patricia Elliott; Mark Banks; Ron Kopf; and Mr. Segarini addressed the Board.

Discussion ensued.

It was moved by Supervisor Royce and seconded by Supervisor Brennan, to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: **1) Disband the Jamestown Area Planning Commission (5 members), Columbia Area Planning Commission (7 members), and Southern Tuolumne County Planning Commission (7 members); and 2) Retain the Tuolumne County Planning Commission as it currently exists and require the Tuolumne County Planning Commission to conduct meetings in the communities in which the large projects are proposed.**

David Wynn addressed the Board.

Motion carried by 3-2 vote with Supervisors Gray and Rodefer dissenting.

The Board recessed at 12:32 p.m. and reconvened at 1:30 p.m.

Ms. Shane continued the staff report.

Discussion ensued on the at large members and the make up of the voting members.

Ms. Barsanti; Shelly Davis-King; and Craig Pedro, County Administrator, addressed the Board.

It was moved by Supervisor Rodefer and seconded by Supervisor Gray, to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: modify the membership of the **Board of Supervisors Planning Committee** to consist of: Two (2) members of the Board of Supervisors; Two (2) members of the Tuolumne County Planning Commission with one (1) alternate; Three (3) at-large public member with one (1) alternate; and allow for a majority vote from the committee.

Discussion ensued.

Motion carried unanimously.

Ms. Shane continued the staff report.

Ms. Davis-King and Sharon Marovich addressed the Board.

It was moved by Supervisor Royce and seconded by Supervisor Rodefer, to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: Retain the **Historic Preservation Review Commission (HPRC)** and its Demolition Review Committee with the following recommendations: **A)** Reduce the membership of the HPRC from nine (9) to seven (7) through attrition. There is currently one (1) vacancy on the Commission; **B)** Increase the term of office from three (3) years to (4) years to be consistent with the terms of the Planning Commission; **C)** Add a provision to limit the review of land development applications to one meeting of the Commission unless the applicant agrees to continue consideration of the item to another meeting; and **D)** Continue to monitor the activities of the HPRC and conduct another in-depth review in the future.

Substitution motion by Supervisor Gray and seconded by Supervisor Brennan to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: Retain the **Historic Preservation Review Commission (HPRC)** and its Demolition Review Committee with the following recommendations: **A)** Maintaining the membership of the HPRC at nine (9) members; **B)** Increase the term of office from three (3) years to (4) years to be consistent with the terms of the Planning

Commission; **C)** Add a provision to limit the review of land development applications to one meeting of the Commission unless the applicant agrees to continue consideration of the item to another meeting; and **D)** Continue to monitor the activities of the HPRC and conduct another in-depth review in the future.

Motion carried by 4-1 vote with Supervisor Royce dissenting.

It was moved by Supervisor Rodefer, seconded by Supervisor Gray, and carried by unanimous vote, to direct staff to prepare ordinances or resolutions with an effective date of July 1, 2013, to: retain the **Agricultural Advisory Committee** with the following recommendations: **A)** Add a provision to limit the review of land development applications to one meeting of the Commission unless the applicant agrees to continue consideration of the item to another meeting; and **B)** Continue to monitor the activities of the Agricultural Advisory Committee and conduct another in-depth review in the future of its membership and duties, especially those related to the Williamson Act in light of changes the State may make to the Williamson Act program.

RZ-Schermeister

Public hearing was declared open to consider Philip and Laureen Shermeister, Special Ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning ordinance by rezoning (RZ10-024) 11.1± acres to RE-2, located at 21680 Longeway Road. It is a portion of Section 19, Township 2 North, Range 16 East, APN 48-160-09.

Ms. Shane presented the staff report.

Dave Raglen spoke in favor.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Hanvelt, seconded by Supervisor Gray, and carried by unanimous vote, to approve Zone to RE-2, finding that: A. The proposed Zone Change is consistent with the Tuolumne County General Plan; B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; C. The project site is suited to the uses permitted under the proposed zoning districts; and D. The proposed project is not subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, and adopt the following ordinance.

Ordinance No. 3216

A special ordinance amending Section 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Supervisor Brennan declared a conflict of interest and left the dias at 2:15 p.m.

Mike Laird, Deputy Director of Planning, requested consideration of directing staff to conduct environmental review of proposed amendments to the Agricultural Resources Element and Glossary of the General Plan (GPA08-001) and the Zoning Ordinance (TC06-007), directing Staff to refer proposed amendments to the :AP (Agricultural Preserve Combining) district to the California Department of Conservation and to prepare revisions to Resolution 106-04 to be consistent with revisions to the :AP district and referring General Plan Amendment GPA08-001 and Ordinance Code Amendment TC06-007 to the Planning Commissions for recommendation and responded to questions from the Board.

Ms. Shane responded to questions from the Board.

Carlyn Drivdahl, Deputy County Counsel and Vicki Helmar Agricultural Commissioner/Air Pollution Control Officer/Animal Control Director, responded to questions from the Board.

It was moved by Supervisor Gray and seconded by Supervisor Rodefer to: **1)** Direct Staff to refer proposed amendments to the :AP (Agricultural Preserve Combining) district and the County's Williamson Act regulations to the California Department of Conservation for concurrence that the proposed amendments are consistent with the Williamson Act; **2)** Direct Staff to conduct environmental review of the amendments proposed by General Plan Amendment GPA08-001 and Ordinance Code Amendment TC06-007; and **3)** Refer General Plan Amendment GPA08-001 and Ordinance Code Amendment TC06-007 to the Planning Commissions for consideration following review by the Department of Conservation and preparation of environmental review documents with recommended changes from 4/5th to 3/5ths vote requirement and change to 11B.B. to add the "if" adjacent.

Ms. Drivdahl responded to questions from the Board on changes.

Motion carried by 4-0 vote with Supervisor Brennan being absent.

The Board recessed at 3:02 p.m., to Closed Session: **1) Conference with Real Property Negotiators - Price and Terms:** (Authority: Government Code § 54956.8) Negotiators: Craig L. Pedro, County Administrator; and Daniel Richardson, Deputy County Administrator for a 420 ± acre piece of property known as Kennedy Meadows, APN 021-020-02; and **2) Public Employee Appointment:** (Authority: Government Code § 54957 (B)(1)) - County Counsel with Supervisor Brennan being present, reconvening at 4:20 p.m., the Chair

announced there was nothing to report and adjourned to the next regular meeting scheduled for February 19, 2013, at 9:00 a.m.

APPROVED:



RANDELL A. HANVELT, CHAIR

ATTEST:



Alicia L. Jamar, Chief Deputy  
Clerk of the Board of Supervisors

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I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR  
Clerk of the Board

By: 